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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/995,232      | 11/27/2001  | Kim Marie Clark      | 7270-1              | 9656             |

7590 11/20/2002  
SHAWN SENTILLES  
WYATT, TARRANT, AND COMBS  
1715 AARON BRENNER DRIVE  
SUITE 800  
MEMPHIS, TN 38120

EXAMINER

NINO, ADOLFO

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2831

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/995,232

Applicant(s)

CLARK, KIM MARIE

Examiner

Adolfo Nino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restrictions***

Applicant's request to withdraw the restriction requirement between inventions I (claims 1-11) and II (claims 12-18) have been fully considered and they are found persuasive. On page 3, top paragraph, the applicant wrote that "Applicant is unable to conceive of how the product as claimed can be made by a method other than threading, since the applicant is specifically claiming a cord cover comprising a "permanently enclosed tube of pliable material".", hence the process as claimed is an obvious process of making the product and process as claimed cannot be used to make other and different product; nor that the product as claimed can not be made by another and materially different process. The restriction requirement is withdrawal.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Todd (US 6,018,874).

Regarding claim 1, Todd discloses an electrical cord cover assembly (fig. 1) comprising: an electrical cord (103), a first end of said electrical cord (103) electrically coupled to an electrical apparatus (104), an opposite end of said electrical cord (103) having a wall outlet plug (105), said wall outlet plug plugged into an electrical wall outlet,

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a cord cover (101), said cord cover (101) comprising a lengthwise permanently enclosed tube of pliable material (col. 2, lines 55-57), said cord cover (101) having first and second opposing open ends (fig. 1) and a lengthwise opening passing entirely therethrough between said first and second open ends, said lengthwise opening sized to permit said wall outlet plug to pass entirely through said lengthwise opening (col. 3, lines 1-2), and said cord cover (101) passing entirely through said lengthwise opening of said cord cover such that said cord cover envelops said electrical cord over a substantial length of said electrical cord (fig. 1).

Claims 1-3, 5-8, 10-14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmer et al. (US 5,016,859).

Regarding claim 1, Zimmer et al. disclose an electrical cord cover assembly (fig. 2) comprising: an electrical cord (10; col. 4, lines 4), a first end of said electrical cord (10) electrically coupled to an electrical apparatus (12; col. 4, line 5), an opposite end of said electrical cord (10) having a wall outlet plug (16; col. 4, lines 7-8), said wall outlet plug plugged into an electrical wall outlet, a cord cover (30 in fig. 5), said cord cover (30) comprising a lengthwise permanently enclosed tube of pliable material (col. 4, lines 54-64), said cord cover (30) having first and second opposing open ends (fig. 5) and a lengthwise opening passing entirely therethrough between said first and second open ends (fig. 5), said lengthwise opening sized to permit said wall outlet plug to pass entirely through said lengthwise opening (fig. 6), and said cord cover (30) passing

entirely through said lengthwise opening of said cord cover such that said cord cover envelops said electrical cord over a substantial length of said electrical cord (fig. 6).

Regarding claim 2, Zimmer et al. disclose the device of claim 1, wherein said cord cover (30) is formed from a linear rectangular strip of fabric (col. 4, lines 61-62), a pair of opposing lengthwise edges (32, 34) of said strip of fabric permanently attached to one another to thereby form said permanently enclosed tube.

Regarding claim 3, Zimmer et al. disclose the device of claim 2, wherein said opposing lengthwise edges (32, 34) of said strip of fabric are attached to one another via a lengthwise seam of stitches (36; col. 4, line 63).

Regarding claim 5, Zimmer et al. disclose the device of claim 1, wherein said cord cover (30) is cylindrical (fig. 5).

Regarding claim 6, Zimmer et al. disclose a device for jacketing an electrical cord (10 in fig. 2) in a cord cover (30), the electrical cord (10) having a wall outlet plug on one end thereof (16; col. 4, lines 7-8), comprising: a cord cover deployment member (40 in fig. 5), said deployment member (40) comprising a lengthwise tube (40) of substantially rigid material (col. 5, lines 15) having first and second opposing open ends and a lengthwise opening passing entirely therethrough between said first and second open ends (fig. 5), said lengthwise opening sized to allow the wall outlet plug of the electrical cord to pass entirely through said deployment member (col. 6, lines 32-34), a cord cover (30 in fig. 5), said cord cover (30) comprising a lengthwise permanently enclosed tube of pliable material (col. 4, lines 55-56) having first and second opposing open ends and a lengthwise opening passing entirely therethrough between said first and second open

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ends (fig. 5), said lengthwise opening of said cord cover (30) sized to tightly encircle an outer surface of said deployment member (fig. 5), said cord cover being at least four times longer than said deployment member when said cord cover is in a linearly uncompressed configuration (col. 6, lines 32-34), said deployment member (40) inserted in said lengthwise opening of said cord cover such that said cord cover envelops said deployment member (fig. 5), and said cord cover (30) linearly compressed along said outer surface of said deployment member such that said cord cover is positioned entirely between said first and said second ends of said deployment member (fig. 5).

Regarding claim 7, Zimmer et al. disclose the device of claim 6, wherein said cord cover (30) is formed from a linear rectangular strip of fabric (col. 4, lines 55-56), a pair of opposing lengthwise edges (32,34) of said strip of fabric (30) permanently attached to one another to thereby form said permanently enclosed tube.

Regarding claim 8, Zimmer et al. disclose the device of claim 7, wherein said opposing lengthwise edges (32, 34) of said strip of fabric (30) are attached to one another via a lengthwise seam of stitches (36; col. 4, lines 62-64).

Regarding claim 10, Zimmer et al. disclose the device of claim 6, wherein said cord cover (30) is cylindrical (fig. 5).

Regarding claim 11, Zimmer et al. disclose the device of claim 10 wherein said hollow deployment member (40) is cylindrical (fig. 5).

Regarding claim 12, Zimmer et al. disclose a method of applying a cord cover (30) onto a cord cover deployment member (40) for subsequent use in applying the cord

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cover (30) around an electrical cord (10) having a wall outlet plug (16; col. 4, lines 7-8) comprising: providing a cord cover deployment member (40 in fig. 5), said deployment member (40) comprising a lengthwise tube of substantially rigid material having first and second opposing open ends and a lengthwise opening passing entirely therethrough between said first and second open ends (fig. 5), said lengthwise opening sized to allow a wall outlet plug of an electrical cord to pass entirely through said deployment member (col. 6, lines 32-34), providing a cord cover (30 in fig. 5), said cord cover (30) comprising a lengthwise permanently enclosed tube of pliable material (col. 4, lines 55-56) having first and second opposing open ends and a lengthwise opening passing entirely therethrough between said first and second open ends (fig. 5), said lengthwise opening of said cord cover sized to tightly encircle an outer surface of said deployment member (fig. 5), said cord cover (30) being at least four times longer than said deployment member when said cord cover is in a linearly uncompressed configuration (col. 6, lines 32, 34), threading said deployment member through said lengthwise opening of said cord cover such that said cord cover envelops said deployment member (fig. 5), and linearly compressing said cord cover along said outer surface of said deployment member such that said cord cover is positioned entirely between said first and said second ends of said deployment member (col. 6, lines 10-11).

Regarding claim 13, Zimmer et al. disclose the method of claim 12, wherein said cord cover (30) is formed from a linear rectangular strip of fabric (col. 4, lines 55-56), a pair of opposing lengthwise edges (32, 34) of said strip of fabric (30) permanently attached to one another to thereby form said permanently enclosed tube.

Regarding claim 14, Zimmer et al. disclose the method of claim 13, wherein said opposing lengthwise edges (32, 34) of said strip of fabric (30) are attached to one another via a lengthwise seam of stitches (36; col. 4, lines 62-64).

Regarding claim 17, Zimmer et al. disclose a method of installing a cord cover (30) onto an electrical cord (10) comprising: providing a device for jacketing an electrical cord according to claim 6, threading a plug end (16; col. 4, lines 7-8) of an electrical cord (10) entirely through said lengthwise opening of said deployment member (fig. 2), sliding said cord cover (30) off of said deployment member and onto said electrical cord (10) to thereby encircle said electrical cord with said cord cover (fig. 6), removing said deployment member (40) from said electrical cord (col. 6, lines 58-62), and stretching said cord cover out along said electrical cord to thereby cover a substantial length of said electrical cord with said cord cover (col. 6, lines 32-34).

Regarding claim 18, Zimmer et al. disclose the method of claim 17, further comprising plugging a plug of said electrical cord (10) into an 110 electrical outlet without removing said cord cover from said electrical cord (col. 4, lines 7-8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claims 4, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer et al. (US 5,016,859).

Regarding claims 4, 9 and 15, Zimmer et al. disclose the device of claims 3, 8 and 14, respectively, except for said seam of stitches being formed along an inner surface of said cord cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have said seam of stitches being formed along an inner surface of said cord cover, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

***Allowable Subject Matter***

Claim 16 is allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the indication of the allowability of claim 16 is the inclusion therein of the limitation of "turning said cord cover inside-in by folding said first end of said cord cover around said second end of said deployment member and then pulling said cord cover over said outer surface of said deployment member toward said first end until said second end of said cord cover exits said second open end of said deployment member" in combination with the other claim limitations. This limitation was neither disclosed nor taught by the prior art, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MacMurdo (US 5,397,243) discloses an electrical cord protection wrap and plug cover. Jenkins (US 5,130,496) discloses an aesthetic electrical cord cover. Nelson (US 5,895,288) discloses a plant power line. Keith (US 4,389,440) discloses a torque preloaded elastic cover. Keith et al. (US 3,716, 733) disclose a corrugated plastic protector. Bethel (US 5,800,762) discloses a process for decorating electrical cords. Tomberlin (US 4,939,778) discloses a telephone cord cover. . Van Wassenhove et al. (US 6,233,796 B1) disclose a wiring harness bundling. Bickersteth et al. (US 5,861,579) disclose a method for installing/dressing a wiring harness. Bennett et al. (US 5,293,501) disclose a method for installing/dressing a wiring harness. Ruhaut (US 4,979,614) discloses a storage container for an article.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (703) 305-1071. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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305-3431 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AN  
November 18, 2002



DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800